IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:09-HC-2161-D

UNITED STATES OF AMERICA,)	
Petitioner,)	
v.)	ORDER
LEE EDWARD SHELTON,)	
Respondent.)	

On June 24, 2010, Lee Edward Shelton ("Shelton" or "respondent") filed a motion to dismiss [D.E. 4] the government's petition for his commitment pursuant to 18 U.S.C. § 4248. The United States Court of Appeals for the Fourth Circuit's recent decision in <u>United States v. Comstock</u>, Nos. 07-7671, 07-7672, 07-7673, 07-7674, 07-7675, 2010 WL 4925389 (4th. Cir. Dec. 6, 2010), controls the issues presented in respondent's motion to dismiss. Therefore, the motion to dismiss [D.E. 4] is DENIED. Respondent's motion to dismiss for lack of jurisdiction [D.E. 9], filed December 15, 2010, remains pending.

SO ORDERED. This 18 day of January 2011.

JAMES C. DEVER III United States District Judge